

EXHIBIT A

PROPOSITIONS OF LAW
ELEVENTH DISTRICT COURT OF APPEALS
CASE NO. 2017P0028

ASSIGNMENT OF ERROR NUMBER ONE

THE TRIAL COURT'S SENTENCE VIOLATED THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT OF THE U.S. CONSTITUTION, IN THAT THE RESENTENCING AFTER REMAND, EXCEEDED THE ORIGINAL SENTENCE; AND THE TRIAL COURT FAILED TO JUSTIFY THE INCREASED SENTENCE.

ASSIGNMENT OF ERROR NUMBER TWO

THE TRIAL COURT ERRED BY FAILING TO MERGE THE ATTEMPTED MURDER COUNTS (ONE AND THREE) AND THE FELONIOUS ASSAULT COUNTS (FIVE AND SIX) AND THE ATTENDANT FIREARM SPECIFICATION FOR EACH COUNT FOR REASON THAT THE COUNTS ARE ALLIED OFFENSES OF SIMILAR IMPORT UNDER R.C. 2941.25; ALL IN VIOLATION OF APPELLANT'S PROTECTION AFFORDED BY THE DOUBLE JEOPARDY CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND SECTION 10, ARTICLE I OF THE OHIO CONSTITUTION, WHICH PROHIBITS THE IMPOSITION OF MULTIPLE PUNISHMENTS FOR THE SAME OFFENSE.

ASSIGNMENT OF ERROR NUMBER THREE

THE TRIAL COURT ERRED IN FINDING THAT A SEPARATE ANIMUS AND A SEPARATE MENS REA EXISTED WHEN APPELLANT STOPPED SHOOTING AND LEFT THE DINING ROOM DURING THE 911 CALL RESULTING IN THE VIOLATION OF THE DOUBLE JEOPARDY CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND SECTION 10, ARTICLE I OF THE OHIO CONSTITUTION AND SAID FINDING WAS AGAINST THE WEIGHT OF EVIDENCE.

ASSIGNMENT OF ERROR NUMBER FOUR

THE TRIAL COURT ERRED WHEN IT FAILED TO GRANT APPELLANT'S MOTION TO DISMISS; WHICH MOTION ALLEGED THAT APPELLANT'S RIGHTS TO PRESENTMENT AND FAIR TRIAL AS GUARANTEED BY ARTICLE I, SECTION 10 OF THE OHIO CONSTITUTION AND AMEND. V AND VI OF THE UNITED STATES CONSTITUTION WERE VIOLATED WHEN IT REINSTATED COUNTS UPON REMAND WHICH WERE NOT PREVIOUSLY SUBJECT TO APPEAL.

ASSIGNMENT OF ERROR NUMBER FIVE

THE TRIAL COURT ERRED BY IMPOSING CONSECUTIVE SENTENCES ON THE COUNTS OF CONVICTION AND THE ATTENDANT FIREARM SPECIFICATIONS FOR REASON THAT CONSECUTIVE SENTENCES WERE NOT JUSTIFIED BY R.C. § 2929.14(C)(4); ALL IN VIOLATION OF APPELLANT'S RIGHT TO DUE PROCESS AND THE PROTECTION OF THE DOUBLE JEOPARDY CLAUSE OF THE U.S. CONSTITUTION.

PROPOSITIONS OF LAW
SUPREME COURT OF OHIO
CASE NO. 2019-0059

PROPOSITION OF LAW NUMBER ONE

THE TRIAL COURT'S SENTENCE VIOLATED THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT OF THE U.S. CONSTITUTION, IN THAT THE RESENTENCING AFTER REMAND EXCEEDED THE ORIGINAL SENTENCE AND THE TRIAL COURT FAILED TO JUSTIFY THE INCREASED SENTENCE.

PROPOSITION OF LAW NUMBER TWO

THE TRIAL COURT ERRED BY FAILING TO MERGE THE ATTEMPTED MURDER COUNTS (ONE AND THREE) AND THE FELONIOUS ASSAULT COUNTS (FIVE AND SIX) AND THE ATTENDANT FIREARM SPECIFICATION FOR EACH COUNT FOR REASON THAT THE COUNTS ARE ALLIED OFFENSES OF SIMILAR IMPORT UNDER R.C. 2941.25; ALL IN VIOLATION OF APPELLANT'S PROTECTION AFFORDED BY THE DOUBLE JEOPARDY CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND SECTION 10, ARTICLE I OF THE OHIO CONSTITUTION, WHICH PROHIBITS THE IMPOSITION OF MULTIPLE PUNISHMENTS FOR THE SAME OFFENSE.

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